

# Sage Legal LLC

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February 27, 2024

## VIA ECF

United States District Court  
Eastern District of New York  
Attn: Hon. Peggy Kuo, U.S.M.J.  
225 Cadman Plaza East  
Courtroom 11C South  
Brooklyn, NY 11201-1804

**Re: Shkolir, et al. v. Rx2Go, Inc., et ano.**  
**Case No.: 1:23-cv-7256 (PK)**

Dear Judge Kuo:

This firm represents the Defendants in this case. Defendants write to apprise the Court that Plaintiffs have failed to comply with the Discovery Plan and Scheduling Order (the “Order”) in that Defendants have not receive from Plaintiffs a settlement demand by February 13, 2024 as required thereunder. See ECF Docket Entry [16](#) at ¶ B(1).

Defendants wrote to Plaintiffs in the evening on February 13, 2024 to inquire as to the status of the demand, and to request a meet-and-confer to discuss this matter. However, to date, the parties have been unable to do so due to your undersigned’s heavy calendar (which included, *inter alia*, an evidentiary hearing before the Hon. James M. Wicks, U.S.M.J. on February 20, 2024 that took substantial time to prepare) and because Plaintiffs’ counsel was away on vacation the entirety of last week.

Notwithstanding the parties’ inability to meet-and-confer, Defendants submit this letter primarily to explain that they are unable to make an offer as set forth in the Order, and to address Plaintiffs’ anticipated reasons for failing to comply with the Order as directed.

It is Defendants understanding that Plaintiffs are seeking early discovery from Defendants in order to make their settlement demand and to utilize same in amending their deficient pleadings. However, for the reasons discussed at the parties’ telephonic initial conference before this Court, Plaintiffs had an obligation under Rule 11 of the Federal Rules of Civil Procedure to investigate their claims before filing the complaint. Further, Defendants are not prepared to incur the cost and expense of producing documents at this early stage, when paper discovery is set to begin in May according to the Order, following a mediation that the parties agreed to conduct in advance of proceeding to discovery.

Defendants therefore seek an extension of time for Plaintiffs to submit their settlement demand and for Defendants to make their settlement offer in an effort to resolve this case.

Defendants thank this Court for its time and attention to this case.

Dated: Jamaica, New York  
February 27, 2024

Respectfully submitted,

**SAGE LEGAL LLC**

/s/ Emanuel Kataev, Esq.

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**VIA ECF**

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